

from general principles of law, we think that the ownership of a prescription in a legal sense, may be briefly stated as follows:

That the ownership in the paper on which it is written, with a perpetual right of user of the formula, rests in the patient; and he would maintain an action for its recovery from any one withholding it from him. That a qualified ownership in the formula remains in the physician sufficient to enable him to prevent its publication to the world.

A PASSIVE RIVAL.

CLUB DOCTOR writes: I am glad to see so strong an opinion expressed in the BRITISH MEDICAL JOURNAL on the impropriety of medical men trying to rob each other of appointments. Nothing, to my thinking, brings so much discredit on our profession as this kind of "tradesman-like" opposition. It is not only contrary to etiquette but it is an ungenerous action, because it must necessarily make it unpleasant and more difficult for A. to do his duty to his club patients with the fear of his "passive rival" constantly before him. I have had a club experience of twenty-five years, but I never before heard of any club in which it is compulsory on the surgeon to be an initiated member. I conclude before initiation it would be necessary for B. to be medically examined by A.

MEDICAL WITNESS AT INQUEST.

F.R.C.S. (Salop) has forwarded a correspondence between a coroner and himself relating to a certain inquest in which another medical practitioner was requested by the coroner to make the *post-mortem* examination and give evidence, to the exclusion of our correspondent, who was called to the deceased at the time of the death, and informed the police of the occurrence.

* * We have carefully perused the communications referred to us, and we can find no reason assigned by the coroner why the usual practice was departed from in the case above mentioned. In the Coroners Act, 1887, Section 21, Clause 1, we read as follows:—"Where it appears to the coroner that the deceased was attended at his death or during his last illness by a legally qualified medical practitioner, the coroner may summon such practitioner as a witness, and any such medical witness as is summoned in pursuance of this section may be asked to give evidence how, in his opinion, the deceased came to his death." At the same time, by Clause 2 the coroner may direct a *post-mortem* examination of the body to be made. It is also enacted in Clause 1 that should the deceased person not have been attended at his death or during his last illness by any legally qualified medical practitioner, the coroner may then summon any other practitioner who is in practice in or near the place where the death occurred. Acting in accordance with the clauses above quoted, it is usual and customary for the coroner to summon as the medical witness the practitioner who is first called to the case at the time of death, the observations of such practitioner, made at the time, being received as evidence of importance at the inquest. Where this rule is departed from without reasonable cause or justification, and a stranger to the case is called in as a medical witness, it is, as our correspondent points out, regarded by the public in the locality as somewhat of a slur upon the practitioner first called to the case, and this is more particularly observable in suburban and country districts. We sympathise with our correspondent in the position in which he has been placed, and we certainly think that the coroner, in the exercise of a sound discretion, should avoid any appearance of partiality in the selection of medical witnesses. By carrying out the spirit of the Act as well as the letter, he will avoid friction with medical witnesses and unpleasant criticism as to his method of procedure in the conduct of inquests.

OBITUARY.

JAMES DONALDSON GILLESPIE, M.D., F.R.C.S. EDIN.

By the death of Dr. James Donaldson Gillespie, which, we regret to learn, took place on December 7th, 1891, from an attack of pneumonia, followed by influenza, Edinburgh loses one of its most respected citizens, and his medical brethren a much-esteemed colleague. He was born in 1823, and was a son of Dr. Alexander Gillespie, a well-known Edinburgh medical practitioner of the day, a President of the Royal College of Surgeons, and a nephew of James Donaldson, founder of Donaldson's Hospital. He was educated at Edinburgh Academy, and afterwards at the University, where, after the usual medical curriculum, he took the degree of M.D. in 1845. Three years later he became a licentiate of the Royal College of Surgeons. He passed through all the grades of official life at the Royal Infirmary. He resigned the position of Senior Surgeon in 1871, and devoted himself successfully to general practice. Dr. Gillespie threw himself heartily into the business of the Royal College of Surgeons, Edinburgh, and held the important position of its president from 1869 to 1871, and

up to the time of his death was one of its most trusted councillors. Besides being physician to Donaldson's Hospital, and Consulting Surgeon to Fettes College, he held many other appointments. Not only was he a man who largely enjoyed the confidence of the public as a member of the medical profession, but he was a man of varied culture and attainments. His Edinburgh Harveian Oration in 1875, Medical Notes about Shakespeare and his Times, attracted at the time considerable attention; and the *Scotsman*, to which we are indebted for many of these facts, informs us that his contributions and fugitive pieces included compositions in verse, which acquired some local popularity. He acted for thirty years as secretary to the Harveian Society of Edinburgh, and was the means of making it one of the most popular medical societies in Scotland.

PALEMON H. BEST, B.A. CAMB.

THE accidental and painfully sudden death, at the age of 23, by the fall from a window, of Mr. Palemon Harris Best, B.A., the younger son of Dr. Best, of Louth, has given rise to a feeling of great regret, not only in Louth, but among his friends at University College Hospital, where he was a promising pupil and much beloved.

Born at Louth in 1868, he was educated first at Louth and Alford Grammar Schools, and subsequently at Rugby, where he was foremost in athletic sports. His career at Rugby after two years was, however, interrupted by a severe attack of rheumatic fever, and he returned to Louth. The restraints from active exercise imposed upon him after this illness caused Rugby school life to be irksome, and he left at the end of another term. A voyage to the Black Sea and around the North Coasts of Europe appeared to have rendered his constitution invulnerable to further attacks of rheumatism, and at 16 years of age he went to Cambridge University. Here he took his B.A. degree in honours in Natural Science Tripos at 19 years of age. Next year he passed the Preliminary Scientific M.B. Lond. Examination, having determined to take the M.D. Lond. and join his father in practice at Louth. He took first-class honours in Physiology, being second in order of merit. He had previously taken honours in Zoology, both at his college and at the University of London. He passed at earliest possible time in all the subjects at the Apothecaries' Hall, and had just sent down his name for the next M.B. Lond. Examination when the unfortunate series of events leading to his death took place.

The primary cause of the fatal accident is not known. It is thought that the deceased, who was at the time studying chemistry in his room, opened the window to admit fresh air, on account of the unpleasant smell from a dimly-burning paraffin lamp in want of oil, and that on looking down into the street he became giddy, or that the exertion of opening the window caused faintness. He once before had a similar fall from an open window, but escaped uninjured.

He was held in high regard by his fellow-students and friends for his unflinching rectitude of character, and the unobtrusive and unostentatious kindness and geniality of his disposition. Great sympathy is felt in Louth for Dr. Best.

ROBERT DOBBIE, M.D. EDIN.

AYR has lost, by the death of Dr. Dobbie, a valued public servant who, as medical officer of the burgh, was indefatigably engaged in battling with an epidemic of typhus fever, when he was himself attacked with the disease, to which he ultimately succumbed. Dr. Dobbie, who was in his 61st year, was an M.D. of Edinburgh University, where he was capped at the early age of 21. He took up his residence in Ayr about thirty-six years ago, when he entered upon the duties of house-surgeon of the Ayr Hospital. Succeeding, on the death of Dr. Whiteside, to that gentleman's practice, he acquired a large private practice. Taking little interest in matters outside of his profession, he acquired the reputation of a practitioner of skill, and as a man of straightforward character, courteous manner and kindly heart, as physician to the Ayr County Hospital, surgeon to the County Prison, and medical officer and police surgeon for the burgh, his duties were always conscientiously and indefatigably performed, and his loss has called forth public expressions of regret.